

Mischa Suter. *Rechtstrieb. Schulden und Vollstreckung im liberalen Kapitalismus 1800–1900*

[*Rechtstrieb. Debts and their enforcement in liberal capitalism 1800–1900*]. Konstanz, Germany:

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(cloth).

*Rechtstrieb* is the Swiss-German term for the enforcement of an outstanding money debt through legal or judicial means. In Switzerland, the focus of Mischa Suter's compelling study, procedures for enforcing the payment of debts were codified into national legislation only in 1889. An account of that legislative moment, which Suter characterizes as having "normalized capitalist relations of exchange" (31) and its consequences opens the book and is in every sense the *explicandum* of the study. However, most of the book is devoted to the decades before that, when a plurality of practices existed in Switzerland—a federal state with strong regional and local identities and legal traditions. The emphasis is on the period between 1830 and 1870 in German-speaking Switzerland, which was characterized by the peculiar fact that even forms of *Rechtstrieb* formally governed by legal provisions did not involve judges but were executed by the parties to the debt. That is, the creditor directly called in the debt, but only after a series of summonses, warnings, and admonitions failed to get a response did an officer of the law step in to liquidate the debtor's movable property or institute formal bankruptcy proceedings. Suter offers a detailed and critical analysis of the sources documenting this process at the local level, as well as complementary legal and literary texts. In what he calls a "particularistic history of systemic regulation" (27), his eye is fixed equally on what the processes and languages of negotiation around debt say about its social meanings and valence at any given moment and on

the way that the “law” that was made and remade in everyday practices related to the emergence of normative statutory regulation. Specifically, he understands debt in relational terms, as a mutable nexus of understandings of money, people, things, and time; as his subtitle, “Debts and their enforcement in liberal capitalism,” suggests, he is interested in how definitions of property in relation to personality crystallized out of that nexus, in a period that is understood as the watershed in the establishment of political and economic liberalism.

The book comprises six substantive chapters. The first chapter gives an account of the making and consequences of federal law of 1889, understood as a measure designed to coordinate regional economic practices at a national level and to facilitate the integration of Swiss enterprises into the international economy. The key feature of the law was a new systematic distinction between bankruptcy proceedings—now reserved for *Kaufleute* (merchants or businessmen potentially trading internationally), whose names were formally entered into the *Handelsregister* (commercial register)—and the seizure and pawning of personal property to which all other undischarged debtors were subject. Suter argues that this distinction, with its accompanying reordering of temporality and of relationships between people, things, and legal institutions, gave shape to “the economic as a particular space” (32). In Chapter 2, entitled “Law as Social Knowledge 1800–1870,” Suter explores examples of local practice. Here he demonstrates, among other things, how, in a *Rechtstrieb* system that relied entirely on unregulated interactions between individuals, practices that even contemporaries labeled “traditional” were functional to the emergence of liberal values and structures. A concise theoretical interlude in Chapter 3, on the anthropology of debt, helps to elucidate the core argument about the “different and contradictory registers” (119) brought together in the *Rechtstrieb*—discourses not only on property, justice, and personal morality but also on the

underlying understandings of time, personality, and materiality itself—and the openings that their mobilization created for both everyday practice and public regulation. Articulations of the relationship between debt and human subjectivity in the light of an emergent bourgeois capitalism are the subject of Chapter 4; here, the analysis focuses on the manuscript diary of the weaver-turned-popular-author Jakob Wilhelm Stutz; the fiction of Gottfried Keller; and the utopian socialist writings of Wilhelm Weitling, which exposed not so much a consensus as a variety within a common preoccupation. Chapter 5 explores the significance of social categories for debt relationships through an examination of the ways in which bankrupts were represented and represented themselves in several hundred police interrogations, reports, and requests for rehabilitation dating from the 1840s and 1850s. An important finding here, in the context of the ways in which male bankrupts cited marital relations and household expenditure to explain their situation, is that over time the ambiguous status of the dowry was resolved in favor of implicitly reducing wives' power of disposal by denying their status as creditors of their husbands. Chapter 6 moves from relations between people to examine relations between people and things, building on the observation that contemporaries themselves were uncertain whether the object of *Rechtstrieb* was "property" or "the person." Here, the focus is on the practice of compulsory pawning of a debtor's goods, which Suter argues "activated objects and objectified persons, repeatedly generating new confusions between the category 'thing' and the category 'person'" (277). Pawning involved (re)assessments of value and alienability in which social and market determinants interacted in unpredictable ways. Even the debtor could be "pawned" or held hostage by being imprisoned for debt, a practice abolished in the Swiss Constitution of 1874.

The book opens with an introduction that provides an erudite, thoughtful, and thought-provoking rationale for the study, while a brief conclusion is devoted to drawing out the key

stages in the secular shift from a predominance of local, (broadly) customary, and negotiated practices toward a normative system embedded in liberal capitalist property and exchange relations.

This is a sophisticated and ambitious work that goes beyond the familiar observations about networks of indebtedness to situate local relationships and practices in relation to the emergence of modernity in economic values and structures. In this respect, it is certainly groundbreaking in the historiography of German-speaking Europe, and can stand comparison with Anglo-American works such as Craig Muldrew's *The Economy of Obligation* (New York: St. Martin's Press 1998) and Mary Poovey's *Genres of the Credit Economy* (Chicago: University of Chicago Press 2008). Felicitously edited down from its original form as a doctoral dissertation, it very much merits translation into English for a wider readership.

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